

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY MICHAEL GIOIOSA, SR.,
 Plaintiff(s),
 v.
 NEVADA DEPARTMENT OF BUSINESS
 BUREAU, et al.,
 Defendant(s).

Case No.: 2:21-cv-00700-JAD-NJK

REPORT AND RECOMMENDATION

Plaintiff initiated this case without (1) filing a complaint or (2) either paying the required fee or filing an application to proceed *in forma pauperis*. See Docket No. 1. On April 29, 2021, the Court ordered Plaintiff to file a complaint and to either pay the filing fee or file an application to proceed *in forma pauperis*. Docket No. 3. The deadline to comply was set at June 1, 2021. See *id.* To date, Plaintiff has not complied with either directive,¹ nor has he sought an extension of the deadline.

This case cannot proceed without a complaint, see Fed. R. Civ. P. 3, nor can it proceed without Plaintiff either paying the filing fee or filing a motion to proceed *in forma pauperis*, see 28 U.S.C. § 1914(a); see also 28 U.S.C. § 1915(a). Failure to comply with these basic requirements subjects a case to dismissal. *E.g., Desai v. Biden*, 2021 WL 38169, at *1 (E.D. Cal. Jan. 5, 2021), *adopted*, 2021 WL 276236 (E.D. Cal. Jan. 27, 2021).

Moreover, Plaintiff's refusal to comply with the Court's order is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the

¹ Plaintiff instead filed two notices, which appear to be attempts at corresponding with the state and local agencies. See Docket Nos. 4-5.

1 integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than
2 dismissal are unavailable because Plaintiff has refused to comply with the order of this Court
3 notwithstanding the warning that case-dispositive sanctions may be imposed.

4 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
5 prejudice.

6 Dated: June 9, 2021

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9 Nancy J. Koppe
10 United States Magistrate Judge

11 **NOTICE**

12 This report and recommendation is submitted to the United States District Judge assigned
13 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
14 recommendation must file a written objection supported by points and authorities within fourteen
15 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
16 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
17 F.2d 1153, 1157 (9th Cir. 1991).
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